

Response to Office Action
09/944,533

REMARKS

By this response the applicants have amended certain claims, cancelled others and have added new claims 22 and 25 to more particularly set forth the invention.

Claims 2 - 4, 11, 15 and new claims 22 and 25 remain in the application.

One of the references relied upon by the Examiner in the preceding Office Action is Barrie '537. This reference discloses a game where a persistent symbol is randomly selected and positioned in the game matrix during play of the game (the appearance of a game symbol, passage of time, play of a certain number of rounds). When a multiplier symbol, i.e. a symbol described as a "red ball" symbol, is selected and displayed with the persistent symbol, any award on the pay line containing the persistent symbol and the red ball is multiplied. Thus, for this disclosed embodiment, the player not only requires a persistent symbol and matching "red ball" but the player must have a winning combination of game symbols on that particular pay line to receive an award.

In another embodiment, Barrie describes:

"In one embodiment, if a 'crook' symbol 610a lands in a position which has a persistent symbol that has not yet completely faded, the payline prize amount (having the form of a 'wanted poster' 614a,b,c in the depicted embodiment) is incremented preferably by an amount related to the denomination of the depicted coin 611. If a 'detective' symbol 612 lands on a coin-bearing position before the coin has completely faded the player receives an immediate prize, preferably a monetary award related to

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the denomination of the depicted coin." Col 6, line 60 - Col. 7, lines 2

The above passage describes one game where the pay line award (if any) is incremented or a game where the prize amount is based upon the value assigned to the persistent coin.

The apparatus of claim 22 recites a device having a processor configured to ignore the activated coordinate for the purposes of determining the prize and thus Barrie, in one embodiment, teaches away from this feature.

Claim 22 also recites that when the activated coordinate is triggered the processor is configured to issue a triggered award to the player selected from a plurality of available awards. Barrie teaches a game where the award is based upon the denomination of the displayed coin. Thus, in Barrie, the player knows ahead of time what the award would be if he/she matches the "detective" symbol with the persistent symbol, i.e. based upon the denomination of the displayed coin. The invention of claim 22, contrary to Barrie, does not give the player any advanced notice of the actual amount of the award. The award is assigned when the activated coordinate is triggered. This feature of the present invention provides more excitement and anticipation in the game by pleasantly surprising the player or by issuing a disappointing award.

Nor is there any suggestion or motivation set forth in Barrie which would render the invention of claim 22 obvious. Barrie teaches away from have a symbol driven award feature instead making the persistent symbol feature a (1) pay line award multiplier or (2) making the persistent symbol denote the award amount is the player

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obtains a matching "detective" symbol. The applicant's invention builds excitement inasmuch as the player (hopes for a triggering symbol to land in an activated coordinate and (2) thereafter has the prize revealed.

As can be appreciated from the Barrie game, players could "shop" for abandoned machines having the higher persistent coin symbol award values and shun those with lower coin values (or make smaller wagers until higher coin values are assigned). The applicants' game, on the contrary, avoids "shopping" since the players do not know how much they could win. The amount which may be won is NOT displayed. Still further, in the Barrie game, with the amount displayed, the player knows that is how much they can win even should they match the correct symbol with the persistent symbol. In the applicants' game, the players have no forewarning of the prize amount which could be issued. making the game more exciting.

In view of the remarks above, allowance of claim 22 is respectfully submitted.

Claim 2 has been amended to depend from claim 22. In view of the remarks above, allowance of claim 22 is respectfully requested. Claims 3 and 4, as a result of the amendment to claim 2, now also depend from new claim 22. Allowance of these claims is also respectfully requested.

Claim 11 has been amended to depend from new claim 22. Allowance of claim 11 is solicited.

New claim 23 depends from claim 22 to recite that the data structure includes data corresponding to a plurality of trigger award symbols and each symbol having a different award value associated therewith and where the processor is configured to

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issue a triggered award based upon the trigger award symbol selected and assigned to an activated coordinate. As stated above, this feature is not disclosed or suggested in Barrie where any award based upon the persistent symbol is related to a pay line winner or the value of the persistent symbol. Allowance of claim 22 is requested.

New claim 24 is a method claim drawn along the same lines as apparatus claim 22. For the reasons advanced with respect to claim 22 allowance of claim 24 is respectfully requested.

Claim 15 has been amended to depend from new claim 24. For the reasons advanced above, allowance of claim 15 is requested.

New claim 25 depends from claim 24 to recite a method along the lines of apparatus claim 23. For the reasons advanced above, allowance of claim 25 is respectfully requested.

CONCLUSION

For the reasons advance above, it is submitted that all pending claims are in condition for allowance. Allowance of all pending claims is solicited. Should the

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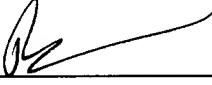
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Examiner feel that a telephone interview would advance the case on the merits, the undersigned respectfully requests a telephone interview.

Respectfully submitted,

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Dated: April 26, 2007

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